

STATE OF IOWA  
DEPARTMENT OF COMMERCE  
UTILITIES BOARD

IN RE:  OFFICE OF CONSUMER ADVOCATE,  Complainant,  vs.  UKI COMMUNICATIONS, INC.,  Respondent.	DOCKET NO. FCU-03-23
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**ORDER ASSIGNING TO ADMINISTRATIVE LAW JUDGE**

(Issued March 5, 2004)

On March 27, 2003, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) a petition for a proceeding to impose civil penalties against UKI Communications, Inc. (UKI), pursuant to Iowa Code § 476.103 (2003), for an alleged violation of the Board's slamming rules.

On January 20, 2004, the Board issued an order docketing Consumer Advocate's petition as a formal proceeding, identified as Docket No. FCU-03-23, and requesting that UKI respond to the allegations raised in Consumer Advocate's petition on or before February 16, 2004. UKI has not responded to Consumer Advocate's petition.

On February 3, 2004, UKI filed a letter with the Board indicating that it was discontinuing intrastate toll service in Iowa. UKI also indicated that its customers were informed of the change and were told to choose another provider.

On March 1, 2004, Consumer Advocate filed an "Application for Entry of Judgment by Default," requesting the Board find judgment against UKI by default for the maximum monetary penalty that is allowed by Iowa Code § 476.103, which is \$10,000.

While it is apparent that UKI is no longer providing intrastate toll service in Iowa as indicated by its February 3, 2004, letter, it remains unclear as to what services UKI continues to offer in other states and what effect a default judgment would have. Therefore, the Board will request that Consumer Advocate file an additional statement explaining the anticipated effect of a default judgment. The Board will also assign this matter to its administrative law judge (ALJ) for investigation and further proceedings pursuant to Iowa Code § 17A.11(1)"b" (2003). The ALJ will investigate the status of UKI's service and will rule on Consumer Advocate's request for default judgment, set a hearing date, preside at hearing, and issue a proposed decision, if necessary.

**IT IS THEREFORE ORDERED:**

1. Within ten days of the date of this order, Consumer Advocate may file a statement describing the anticipated effect of a default judgment in this matter.

2. Pursuant to Iowa Code § 17A.11(1)"b" and 199 IAC 7.1(4), this docket is assigned to the Board's administrative law judge, Amy Christensen, to investigate this docket, rule on the request for default judgment filed by Consumer Advocate on March 1, 2004, and, if necessary, conduct a hearing and issue a proposed decision. The administrative law judge shall have the authority provided under 199 IAC 7.1(4)"a" through "j."

**UTILITIES BOARD**

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper  
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 5<sup>th</sup> day of March, 2004.